

No. 4051-4Lab-76/22579.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Indian Standard Products, 16/2, Mathura Road, Faridabad:—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 63 of 1976

between

SHRI RAM BARAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S INDIAN  
STANDARD PRODUCTS, 16/2, MATHURA ROAD, FARIDABAD

AWARD

By order No. ID/FD/945-A-75/8684, dated 2nd March, 1976, the Governor of Haryana, referred the following dispute between the management of M/s Indian Standard Products, 16/2, Mathura Road, Faridabad, and its workman Shri Ram Baran Singh to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Ram Baran Singh was justified and in order? If not, to what relief is he entitled?

Whereas the workman put in his appearance on 20th April, 1976 in response to the usual notices of reference sent to him. The management absented themselves despite service of notice of reference directing them to appear on that date with the result that *ex parte* proceedings were taken up against them.

The workman appeared as his own witness in *ex parte* evidence and deposed that his services as a Fitter on wages of Rs. 210 per month had been terminated by the management on 12th November, 1975 without serving him any notice and without assigning any reason and that the management did not even participate in the conciliation proceedings.

I see no reason to disbelieve the statement of the workman particularly when the proceedings against the management are *ex parte* and they have not taken care to defend the demand. I accordingly relying on his statement hold that the termination of his services was unjustified and that he is entitled to be reinstated with continuity of services and full back wages. I thus answer the reference while returning the award in terms of these findings.

Dated, the 20th April, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 516, dated the 21st April, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated, the 21st April, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 4048-4Lab-76/22583.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Auto Lamp Ltd., N. I. T., Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 44 of 1974

between

SHRI JAWAHAR LAL WORKMAN AND THE MANAGEMENT OF M/S AUTO  
LAMP LTD., N.I.T., FARIDABAD

AWARD

By order No. ID/FD/73/47701, dated 26th December, 1974, the Governor of Haryana, referred the following dispute between the management of M/s Auto Lamp Ltd., N.I.T., Faridabad

and its workman Shri Jawahar Lal to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Jawahar Lal was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following three issues framed,— *vide* order, dated 2nd September, 1974 :—

- (1) Whether the demands the subject of matter of the present reference was first raised on the management and rejected by it? If not, with what effect?
- (2) Whether it is a case of self abandonment of service by the workman concerned and therefore no industrial dispute existed between the parties on the management?
- (3) Whether the termination of services of Shri Jawahar Lal was justified and in order? If not, to what effect?

The parties to day arrived at a mutual amicable settlement and made their statements before me in terms thereof. The management agreed to pay to the workman a sum of Rs 1,100 within 15 days, from today in full and final settlement of all claims of the workman leading to this reference including reinstatement besides wages and bonus payable to him. The workman agreed to receive this amount in full and final settlement of all his claims as stated above.

It would thus appear that there is now no dispute between the parties requiring adjudication. I thus order that the management shall pay to the workman a sum of Rs 1,100 in cash in full and final settlement of all his claims leading to this reference including that of his reinstatement and wages and bonus. I answer the reference while returning the award in terms of the findings made by me.

MOHAN LAL JAIN,

Dated, the 19th April, 1976.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 506, dated 20th April, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Dated the 20th April, 1976.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 4047-4Lab-76/22589.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s P. S. P., Mathura Road, 14/4, Plot No. 49, Faridabad :—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 116 of 1975

between

SHRI CHANDER BHAN, WORKMAN AND THE MANAGEMENT OF M/S P. S. P.,  
MATHURA ROAD, 14/4, PLOT NO. 49, FARIDABAD

AWARD

By order No. ID/FD/75/50485, dated 16th July, 1975, the Governor of Haryana, referred the following dispute between the management of M/s. P. S. P., Mathura Road, 14/4, Plot No. 49, Faridabad and its workman Shri Chander Bhan to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Chander Bhan was justified and in order ? If not, to what relief is he entitled ?

The workman put in his appearance through his authorised representative Shri Roshan Lal Sharma on 27th August, 1975, 11th November, 1975, 15th December, 1975 and 21st January, 1976, the dates of different hearing fixed in the case. Service of notice of reference could not however be effected on the management and an order was finally made that the notice be issued again for service of the management for their appearance before me on 20th April, 1976.

Neither the workman nor his authorised representative appeared on 20th April, 1976 despite a direction made to the latter to do so. The absence of the workman indicated that he was not interested in pursuance the demand raised by him on the management leading to the reference and that there was now no dispute between the parties requiring adjudication. I hold accordingly and answer the reference while returning the award in terms of these findings:

Dated the 20th April, 1976

MOHAN LAL JAIN,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 515, dated the 21st April, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 21st April, 1976

MOHAN LAL JAIN,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 7900-4Lab-76/22591.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the Management of M/s. Haryana Roadways, Rohtak.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA  
ROHTAK

Reference No. 232 of 1972

between

Shri Nathu Ram workman and the management of M/s. Haryana Roadways, Rohtak.

AWARD

By order No. ID/RK/182-C-72/39437, dated 13th November, 1972 the Governor of Haryana, referred the following dispute between the management of M/s. Haryana Roadways, Rohtak and its workman Shri Nathu Ram to this Labour Court, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Nathu Ram was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings:

The workman alleged:—*vide* notice of demands served by him on the management that he had been employed as an Inspector by the latter on 22nd November, 1976 and that his services as such were illegally terminated by them on 6th December, 1971 without assigning any reason and that he having put in service of a period of more than 240 days shall be deemed to have been confirmed and that he was entitled to reinstatement with effect from 6th December, 1971.

The management resisted the demand on the ground that the State Transport Controller, Haryana a necessary party in the case had not been impleaded and that Shri Nathu Ram was not a workman. On merits they stated that Shri Nathu Ram had been appointed on temporary basis,—*vide* order, dated 19th November, 1970

for a period of six months and that this period was subsequently extended up till 30th June, 1971 and thereafter till 1st December, 1971 and that his application being sent to Subordinate Services Selection Board, Haryana for his interview and appointment under the rules, he was selected only to the post of a clerk and that his representation made by him against the Selection to the Secretary, Transport, Haryana was dismissed and orders terminating his services as an Inspector were made,—*vide* letter dated 1st December, 1971. The management further stated that Shri Nathu Ram actually accepted the job of a clerk on 13th December, 1971 as per recommendations of the Subordinate Services Selection Board and that the termination of his services as an Inspector was justified.

The workman file his rejoinder while controverting preliminary legal objection of the management and reiterating the allegations made by him in the notice of demands. He relied on the settlement, dated 26th October, 1967 in support of his claim for confirmation as an Inspector.

The following issues were thus framed on the pleas of the parties,—*vide* order, dated 21st May, 1973.

- (1) Whether the Present reference is bad in law for non-joinder of necessary parties ? If so, who are the necessary parties ?
- (2) Whether Shri Nathu Ram is not a workman as defined under section 2(s) of the Industrial Disputes Act, 1947 ?
- (3) Whether the termination of services of Shri Nathu Ram was justified and in order ? If not, to what relief is he entitled ?

I have heard the authorised representatives of the parties and seen the record, I decide the issues as under :

*Issue No. 1.*—Shri O.P. Sharma, my learned predecessor,—*vide* his order dated 31st July, 1973 held the State Transport Controller, Haryana as a necessary party in the case and made him a party with a direction that notice of the reference be sent to him for his appearance on 4th September, 1973. The State Transport Controller was duly served with a notice of reference and filed the written statement. It is, however, admitted that neither a notice of demand was served on him nor he was impleaded as a party in the reference. In absence of service of notice of demands on the State Transport Controller with an opportunity to him to explain his stand and his being a party in the reference, the same is obviously bad in law particularly when he was admittedly the appointing Authority of the workman as a Head of the Department,—*vide* Notification Exhibit M-1. I thus decide this issue in favour of the management.

*Issue No. 2.*—The management did not press the pleas covered by this issue and as such it is decided against them.

*Issue No. 3.*—This is an important issue in the case. The copy of the letter, dated 11th May, 1971 sent to Shri Nathu Ram by Secretary, Subordinate Services Selection Board, Haryana disclose that on an application made by the former for the post of a clerk, he was selected for the same and was intimated about this selection. The representation copy Exhibit M.W.2/A made by the workman for his appointment as Inspector was duly forwarded and recommended to the Subordinate Services Selection Board for necessary orders,—*vide* letter, dated 20th August, 1973 copy Exhibit M.W. 2/6 and letter dated 1st September, 1971 copy Exhibit M.W. 2/7 and finally his services as an Inspector were terminated,—*vide* order of the Additional State Transport Controller, Haryana dated 1st December, 1971 copy Exhibit M.W. 2/8 leading to a conclusion that his representation for appointment as an Inspector duly forwarded to the Subordinate Services Selection Board was not accepted by the latter. The order of appointment dated 13th December, 1971 copy Exhibit M.W. 2/10 established that Shri Nathu Ram was appointed as a clerk after his service as an Inspector had been terminated. The Haryana Roadways being not legally competent to appoint Shri Nathu Ram as an Inspector in the permanent vacancy could not have legally allowed to continue him as an Inspector after he had been selected only as a clerk and it seems to be now a futile exercise on behalf of the workman to press his claim of appointment as an Inspector.

The learned authorised representative for the workman relied on the settlement, dated 26th October, 1967 copy Exhibit W-7 in support of his contention that an employee having completed service exceeding 240 days shall be deemed to have been confirmed on that post. The factum and the correctness of this settlement arrived at between the workman and the management on 26th October, 1967 is not disputed before me. The settlement binds the management to regularise the service of an employee who has put in service for more than 240 days only if it is competent to do so. The case of Shri Nathu Ram is that of an initial employment required to be made under rules by the Subordinate Services Selection Board, Haryana and not of confirmation of his services by the Haryana Roadways under the powers vesting in them. To put the proposition differently, the Haryana Roadways would be bound by the settlement if they have an authority power and jurisdiction to confirm an employee in his initial post and not if they are incompetent to do so. The mere admitted circumstances that the selection of the employee in the instant case had to be made by the Haryana Subordinate Services Selection Board leads to a conclusion beyond doubt that the Haryana Roadways was not competent to confirm the services of Shri Nathu Ram as an Inspector and the Settlement does not therefore bind them even if it is assumed that Shri Nathu Ram was a party to the same.

Considered from any angle the management have been able to substantiate their case on this issue, and the workman is not entitled to any relief. I therefore decide the same in favour of the management and answer the reference while returning the award in terms of the findings made by me.

Dated 9th March, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 700, dated the 15th March, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 4055-4Lab-76/22597.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Chanda Enterprises, Mujesar, Faridabad:—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No 40 of 1976

Between

SHRI BASANT KUMAR WORKMAN AND THE MANAGEMENT OF M/S CHANDA  
ENTERPRISES, MUJESAR, FARIDABAD,  
AWARD

By order No. ID/FD/936-B-75/6184, dated 10th February, 1976, the Governor of Haryana, referred the following dispute between the management of M/s Chanda Enterprises, Mujesar, Faridabad, and its workman Shri Basant Kumar, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes, Act, 1947.

Whether the termination of services of Shri Basant Kumar was justified and in order? If not, to what relief is he entitled?

Whereas Shri A. R. Handa, authorised representative for the management appeared before me today on 19th April, 1976, in response to the notice of reference sent to him, none appeared for the workman, despite personal service of notice of reference on him with the result that *ex parte* proceedings were taken up against him.

The management relied upon a written settlement Exhibit M-1 and the resignation Exhibit M-2 alleged to have been submitted by the workman on 13th February, 1976, and the receipt Exhibit M-3 alleged to have been passed on to the management by the workman in token of his having received a sum of Rs 289.51 in full and final settlement of all his claim leading to this reference.

Shri A. R. Handa authorised representative for the management made his *ex parte* statement while giving out that a sum of Rs 289.51 in cash was paid to the workman,—*vide* receipt Exhibit M-3, in accordance with the terms of the settlement Exhibit M-1 and that the workman submitted his resignation Exhibit M-2. I see no reason to disbelieve the statement of Shri A. R. Handa particularly when the proceedings against the workman are *ex parte*. I thus relying on his *ex parte* statement hold that the workman has received a sum of Rs 289.51 in full and final settlement of all his claims including that of his reinstatement, against the management leading to this reference. I answer the reference while returning the award in terms of these findings.

MOHAN LAL JAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

Dated 19th April, 1976.

No. 505, dated 20th April, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Dated 20th April, 1976.

Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 3668-4Lab-76/22599.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Ego Metal Works (P) Ltd., Gurgaon.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 35 of 1970

Between

THE WORKMEN AND THE MANAGEMENT OF M/S EGO METAL WORKS (P) LTD., GURGAON

AWARD

By order No. 6091-E-Lab-70/22387, dated 31st July, 1970, the Governor of Haryana, referred the following dispute between the management of M/s Ego Metal Works (P) Ltd., Gurgaon and its workmen to this Labour Court, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Amar Nath, son of Ram Charan was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings.

The workmen alleged,—*vide* claim statement that his services as a Grinder had been terminated by the management with effect from 26th May, 1969, without assigning any reason and without holding any enquiry against him.

The management raised preliminary objections that this reference made to Shri O.P. Sharma, the then Presiding Officer, Labour Court, after it had already been made to Shri P.N. Thukral, Presiding Officer, Labour Court, earlier, was bad in law. On merits they denied the allegations of the workmen and pleaded that he absented himself from duty without any intimation to them, with effect from 2nd May, 1969, and did not report for duty thereafter for more than 15 days and lost his lien on the job on account of his continued absence under para 30(1) of their certified standing orders and that a registered letter informing him of the action taken by them was sent to him on 21st May, 1969.

The workmen stated,—*vide* rejoinder filed by him that he was sanctioned leave for the period from 2nd May, 1969 to 7th May, 1969, and submitted an application for extension of his leave for the period from 8th May, 1969 to 21st May, 1969, and that this application also was duly sanctioned. He added that on his reporting for duty on 21st May, 1969, he was allowed to work till 26th May, 1969, when the management served him with a letter of termination of his service. He categorically denied the pleas of the management relating to his absence from duty for more than 15 days.

The following issues were thus framed on pleas of the parties,—*vide* order dated 21st October, 1970 :—

- (1) Whether the present reference is bad in law for the reasons given in the written statement? (on respondent).
- (2) Whether the termination of services of Shri Amar Nath, son of Shri Ram Charan, was justified and in order? If not, to what relief is he entitled?

I have gone through the record and seen the written arguments filed by the parties. I decide the issues as under:—

Issue No. 1.—It is agreed on both sides that this reference was made to the Labour Court presided over by Shri O.P. Sharma, after the appointment of Shri P.N. Thukral as President Officer, Labour Court to whom

this reference had been made earlier had been held as illegal by the High Court. This reference made to Shri O.P. Sharma in the year 1970 after the finding of the High Court in respect of the illegality of the appointment of Shri P.N. Thukral can not thus be said to be illegal. I thus decide this issue against the management.

*Issue No. 2.*—It would be proper to state *in extenso* clause 30 of the certified standing orders of the management as under :—

“A worker shall lose his lien on service if he is absent without leave for 15 days or more or not joining service after leave within 10 days of the expiry of the leave.

The above shall be subject to a Registered A/D notice from the company to be served to the workman before striking off his name.”

It would thus appear from the aforesaid provision of the certified standing orders of the management that a workman is liable to lose his lien on the job if he absents himself from duty without leave for 15 days continuously provided the management serves him with a notice sent to him through a registered post informing him about the action intended to be taken by them, before striking off his name.

The only question required determination under the circumstances, relates to the pleas of the parties of the facts stated by them. It has in other words to be found and seen as to whether the management had succeeded in establishing absence of the workman from duty during the period from 2nd May, 1969 to 21st May, 1969 and thereafter till 31st May, 1969.

The management in this connection examined Shri Ravinder Singh Chawla, their Administration Manager, M.W.1 who deposed with references to the attendance register of the employees, brought by him that the workman remained absent from duty during the period from 2nd May, 1969 to 21st May, 1969 when a letter dated 21st May, 1969 copy M.W.1/1 was sent to him *vide* registered letter Exhibit M.W.1/2 which was received back unserved and that on the workman appearing in the factory on 26th May, 1969 a copy of the letter dated 21st May, 1969 was delivered to him and his thumb impression was obtained on exhibit M.W.1/1 in token of his having received the same. Nothing could be brought in cross examination of this witness leading me to suspect his evidence and I see no reason to disbelieve his testimony.

Taking up the evidence of the workman the later appeared as his own witness as W.W.1 and examined one Shri Mani Ram a Co-workman as W.W. 2. The workman set up a case at the evidence stage that he was sanctioned leave for six days *vide* slip Exhibit W.W.1/1 and that on his falling ill during this period of sanctioned leave he sent an application for extension of his leave for the period from 8th May, 1969 to 20th May, 1969 *vide* registered letter. He brought on record the carbon copy of the application allegedly sent by him Exhibit W.W.1/2 and the postal receipt of the registered letter Exhibit W.W. 1/3, besides the fitness certificate dated 20th May, 1969 Exhibit W.W. 1/4 and a letter purporting to be of the management dated 23rd May, 1969 Exhibit W.W. 1/5 directing the time keeper not to allow the workman to join duty if he approached for the same. The attendances card Exhibit W.W. 1/6 under a letter of the management delivered to him on 26th May, 1969 Exhibit W.W. 1/7 and a copy of the complaint made by him to the Labour Inspector W.W. 1/8. This is all the evidence led by the workman in support of his plea.

It is significant to note that the postal receipt Exhibit W.W. 1/3 of the registered letter is admittedly dated 22nd May, 1969 and the whole fabric of the story of the workman that he sent his application dated 10th May, 1969 *vide* registered letter relating to the receipt Exhibit W.W. 1/3, is thus obviously found torn into pieces, in as much as an application dated 10th May, 1969 for extension of leave for the period from 8th May, 1969 to 20th May, 1969 could not have been sent *vide* registered letter dated 22nd May, 1969. The workman has thus been exposed to have stated an out and out lie in this connection.

The slip Exhibit W.W. 1/1 bearing the initials of some person relates to the receipt of the application from the workman for sanction of his leave for six days from 2nd May, 1969 to 7th May, 1969 and is not a sanction in writing of the leave as stated by him in his deposition. It is further interesting to note that this slip was not put to Shri Ravinder Singh in cross examination for obtaining his explanation in respect of its correctness and as such this shall have to be deemed to be a document procured by the workman subsequently in order to boost his case. The attendance card Exhibit W.W. 1/6 and the letter Exhibit W.W. 1/5 were also not put to Shri Ravinder Singh Chawla in cross examination and these documents have also to be rejected by me as fabricated on the ground already stated. The fitness certificate Exhibit W.W. 1/4 bearing a date 20th May, 1969 seems to a naked eye to be a document which has subsequently been altered in as much as the date 20th May, 1969 appearing on it is an order writing. The workman admitted having received letter Exhibit W.W. 1/7 dated 21st May, 1969 from the management informing him about the loss of his lien on service as a result of his continued absence from 2nd May, 1969 to 21st May, 1969 under the certified standing orders. He admitted that he did not send a reply of this letter to the management. He could not tell the name of the scribe of the letter Exhibit W.W. 1/8 dated 26th May, 1969, sent by him to the Labour Inspector by way of a complaint and all these facts lend ample support to the case of the management relating to their plea in respect of continued absence of the workman from 2nd May, 1969 to 21st May, 1969 and actual service on him of their letter Exhibit W.W. 1/7

informing him about the loss of lien of his service on 26th May, 1969 after such a letter had been received back undelivered. The oral statement of Shri Mani Ram that the workman had been sanctioned leave for the period from 2nd May, 1969 to 7th May, 1969 is not sufficient to rebut the direct and circumstantial evidence of the management as referred to above.

I, therefore, replying on the testimony of Shri Ravinder Singh Chawala duly corroborated by the record, placed no reliance on the oral statement of the workman and that of Mani Ram and hold that the workman lost his lien on the job as a result of his continued absence from 2nd May, 1969 to 21st May, 1969 and that his services were not terminated and that he is not entitled to any relief. I decided this issue accordingly.

I answer the reference while returning the award in terms of the findings made by me.

Dated the 9th April, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana, Rohak.

No. 942, dated 9th April, 1976.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 4236-4Lab-76/22601.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Aditya Industries, 43 D.L.F. Industrial Estate No. 214/1, Mathura Road, Faridabad :—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 135 of 1974

between

SHRI NANDU RAM WORKMAN AND THE MANAGEMENT OF M/S ADITYA INDUSTRIES,  
43 D.L.F. INDUSTRIAL ESTATE NO. 214/1, MATHURA ROAD, FARIDABAD

#### AWARD

By order No. ID/FD/357-A-74/31492, dated 4th September, 1974, the Governor of Haryana, referred the following dispute between the management of M/s Aditya Industries, 43 D.L.F., Industrial Estate 214/1, Mathura Road, Faridabad and its workman Shri Nandu Ram, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Nandu Ram was justified and in order? If not, to what relief is he entitled?

Shri Roshan Lal Sharma, put in his appearance on behalf of the workman on 21st October, 1974 in response to the usual notices of reference sent to the workman through him. The management however could not be served with the notice of reference till 16th December, 1975 when on a report of the processor server received in the Tribunal that the premises of the factory of the management concerned were found closed. Shri Roshan Lal Sharma authorised representative for the workman was directed to supply their correct address and the case was adjourned to 20th January, 1976 for service of the management of the notice of reference on the address to be supplied by the workman.

Shri Roshan Lal did not supply the address of the management despite an order made in that direction on 16th December, 1975 and the case was thus again adjourned,—vide my order dated 20th January, 1976 to 21st January, 1976 with a direction to the workman to file the correct address of the management.

On a request made by the workman that the management be served on the address as already supplied, the case was adjourned to 23rd April, 1976,—vide order dated 20th January, 1976 for service of the management. A report was again received that the premises of the factory of the management was found closed. Neither the workman nor his authorised representative appeared on 23rd April, 1976 and



their absence led to a conclusion that the workman was not interested in pursuing the demand raised by him on the management through Shri R. L. Sharma, probably due to the closure of the factory and that there was now no dispute between the parties requiring adjudication.

I hold accordingly and answer the reference while returning the award in the terms of these findings.

Dated the 27th April, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 542, dated the 28th April, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 28th April, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 2399-4Lab-76/22603.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Essex Farms Private Limited Narela Road, Kundli (Sonapat).

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 74 of 1975

*between*

SHRI CHANDERKA PARSHAD, WORKMAN AND THE MANAGEMENT OF M/S ESSEX  
FARMS PRIVATE LIMITED, NARELA ROAD, KUNDLI (SONEPAT)

#### AWARD

This award shall dispose of this reference and reference Nos. 75 to 78 all of 1975 consolidated together,—*vide* my order dated 7th January, 1976 on the ground that common questions of facts and law were involved therein.

The Governor of Haryana in exercise of the powers conferred on him by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, referred the following dispute between each workman Chanderkar Parshad/Piara Lal/Hoshiar Singh/Aziz/and Chander Bahadur and the management of M/s Essex Farms (P) Ltd; Narela Road, Kundli (Sonapat) for adjudication by this Court. Each one of these reference was separately registered.

Whether the termination of services of Shri Chanderkar Parshad/Piara Lal/Hoshiar Singh/Aziz/and Chander Bahadur, was justified and order? If not, to what relief is he entitled?

The parties concerned put in their appearance in this Court in response to the usual notices of each reference sent to them and filed their pleadings giving rise to the following two common issues.

- (1) Whether the termination of services of the workman was justified and in order? If not, to what relief is he entitled?
- (2) Whether the workman had been gainfully employed after the termination of his services? If yes, for what period and on what term?

The cases were fixed for recording evidence of the management for 5th April, 1976. The parties made a joint application on 2nd March, 1976 praying for recording the settlement Exhibit W-1 arrived at between them in writing, and passing the necessary award in terms thereof in each case. The statements of the parties concerned in each reference were recorded. They affirmed that the settlement Exhibit W-1 was correct and that it was duly signed by them and that an award in term thereof be made.

It was agreed that Chanderka Parshad workman of Reference No. 74 shall be paid Rs. 687.30; Piara Lal of reference No. 75 shall be paid a sum of Rs. 1939.95; Hoshier Singh workman of reference No. 76 shall be paid a sum of Rs. 1215.95; Aziz workman of reference No. 77 shall be paid a sum of Rs. 1309.95; and Chander Bahadur workman of reference No. 78 shall be paid a sum of Rs. 755.35 by the management in satisfaction of all claims of the workman concerned relating to the reference including that of his reinstatement and that the later shall have no further claim against the management. Each workman made a statement that he had received in cash the amount agreed by the parties to be paid to him.

It would thus appear that there is now no dispute between the parties requiring adjudication and the demand of the workman leading to the reference has been fully satisfied. I hold accordingly and answer each reference in terms of the findings made by me.

Dated the 10th March, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 701, dated the 15th March, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Dispute Act, 1947.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

**No. 2788-4Lab-76/22605.**—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Crucible Steel Private Ltd., Plot No. 176, Sector 24, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 100 of 1975

between

THE WORKMEN AND THE MANAGEMENT OF M/S CRUCIBLE STEEL PRIVATE LTD.,  
PLOT No. 176, SECTOR 24, FARIDABAD

AWARD

By order No. ID/FD/75/33243, dated 10th June, 1975, the Governor of Haryana, referred the following dispute between the management of M/s Crucible Steel Private Ltd., Plot No. 176, Sector 24, Faridabad and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the grades and scales of pay of workmen should be fixed? If so, with what details?

The parties put in their appearance in this Tribunal on 9th October, 1975 in response to the usual notices of reference sent to them and the workmen were directed to file their statement of claim on 23rd January, 1976 when Shri Ram Murti Sharma their authorised representative absented himself with the result that the *ex parte* proceedings were taken up against the workmen on that date and the case was adjourned to 9th March, 1976 for recording the *ex parte* evidence of the management.

None appeared on 9th March, 1976 and the burden of establishing the demand leading to the reference being squarely on the workmen remained undischarged for want of prosecution of the same by them.

I thus hold that the workmen are not entitled to the relief of fixation of their grades and scales of pay. I answer the reference while returning the award in terms of the findings made by me.

Dated the 11th March, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 359, dated the 11th March, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 11th March, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

The 10th August, 1976

No. 1860-4 Lab-75/22571.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Shri Dharmendra Nath, Conciliation Officer, Ballabgarh, Sole Arbitrator in respect of the dispute between the workmen and the management of M/s Colts Engineering Industries, Sector-4, Faridabad.

BEFORE SHRI DHARMENDRA NATH, CONCILIATION OFFICER, BALLABGARH  
(SOLE ARBITRATOR) IN THE MATTER OF AN INDUSTRIAL DISPUTE

*between*

THE MANAGEMENT OF M/S COLTS ENGINEERING INDUSTRIES, SECTOR-4,  
FARIDABAD AND THEIR WORKMEN S/SH UMRAO SINGH, GULAB SINGH AND VISHRAM  
SINGH.

*Present ;—*

Shri Sunehari Lal, for the workmen.

Shri N. S. Chandel, for the management.

#### AWARD

S/Sh. Umrao Singh, Gulab Singh and Vishram Singh, workmen concerned were in service of M/s Colts Engineering Industries, Sector-4, Faridabad. The management terminated the services of all the aforesaid three workmen on 8th April, 1974 allegedly without any justification. Feeling aggrieved, the workmen approached the management for reinstatement but without success. This gave rise to an industrial dispute. Subsequently the parties agreed to refer the dispute to my arbitration and accordingly the Government then published the arbitration agreement,—*vide* notification No. ID/FD/74/29498—50, dated 13th June, 1974 with the following term of reference:—

Whether the termination of services of S/Sh. Umrao Singh, Gulab Singh and Vishram Singh are justified and in order? If not, to what relief they are entitled?

The parties put in their respective pleadings, but subsequently when the case was fixed for the evidence of the management, they compromised the dispute out of the court. S/Sh. Umrao Singh and Gulab Singh made a statement before me that they have settled the dispute direct with the management. As per the terms of the settlement, the management have agreed to pay to S/Sh. Umrao Singh and Gulab Singh one month and seven days salary each and in consideration of this payment the workmen have agreed to give up the claim for their reinstatement/re-employment. The authorised representative of the management has also given a similar statement in confirmation of the said settlement having been arrived at between the parties. It is also stated by the representative of the management and confirmed by Shri Sunehari Lal who is the authorised representative of the workmen that the third workman Shri Vishram Singh has since died but the management have also agreed to pay one month and seven days wages to the widow of the deceased as and when she approaches the management for this payment. In my opinion this settlement is fair and reasonable and acceptable to me. Since the parties have requested me that I should give my award accordingly, I direct the management that S/Sh. Umrao Singh and Gulab Singh should be paid one month and seven days wages each in full satisfaction of the present claim for their reinstatement/re-employment, since Shri Vishram Singh has died, there is no question of his reinstatement in service. I, therefore, direct the management to pay one month and seven days wages to the widow of the deceased, Vishram Singh. There is no order as to cost.

The 31st January, 1976.

DHARMENDRA NATH,

Conciliation Officer,  
Ballabgarh.  
(Sole Arbitrator).

Endst. No. 373, dated Ballabgarh, the 7th February, 1975.

Forwarded (Four copies) to the Secretary to the Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 10-A(3) of the Industrial Disputes Act, 1947.

The 6th February, 1975.

DHARMENDRA NATH,

Conciliation Officer,  
Ballabgarh.  
(Sole Arbitrator).

No. 1954-4Lab-75/22573.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Continental Manufacturing Company, Plot No. 13, Sector-4, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 165 of 1974

*between*

SHRI ANSAR ALI MALIK, WORKMAN AND THE MANAGEMENT OF M/S. CONTINENTAL  
MANUFACTURING COMPANY, PLOT NO. 13, SECTOR-4, FARIDABAD

*Present:—*

Shri Ram Murti Sharma, for the workman.

Shri Krishan Lal Wadhwa, for the respondent.

#### AWARD

Shri Ansar Ali Malik, workman concerned had been in the service of M/s. Continental Manufacturing Company, Plot No. 13, Sector-4, Faridabad, as a Turner. His services were terminated by the management. He raised a demand for reinstatement but without success. The matter was taken up for conciliation which also ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication to this Tribunal, —vide order No. ID/FD/74/35459, dated 17th October, 1974 with the following term of reference.

Whether the termination of services of Shri Ansar Ali Malik was justified and in order ? If not, to what relief is he entitled ?

The parties were called upon to put in their pleadings. They have arrived at an amicable settlement as per terms and conditions given in the memorandum of settlement, dated 27th August, 1974, Ex. M-1 which is signed by Shri Ansar Ali Malik, workman concerned and witnessed by the Conciliation Officer, Ballabgarh Circle. Shri Krishan Lal Wadhwa, Factory Manager has sworn testimony to the genuineness of this settlement and payment of Rs. 116.13 to the workman, in full and final settlement of his entire claim including the right of reinstatement or re-employment. Shri Ram Murti Sharma through whom the demand notice had been given by the workman concerned has no instruction from him to refute the above plea of settlement raised and proved by the management.

In view of the above I am satisfied that the dispute has been amicably settled between the parties and as such no further proceedings are called for in the case. In the circumstances, a no industrial dispute award is given in terms of the above settlement amicably arrived at between the parties holding that the workman concerned is not entitled to any other relief. There shall be no order as to cost.

Dated 31st January, 1975.

O. P. SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 305, dated 3rd February, 1975.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 3rd February, 1975.

O. P. SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 7464-4Lab-76/22585.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Beco Engineering Company Ltd, Ballabgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 4 of 1972  
*between*

SHRI GANGA SHARAN, WORKMAN AND THE MANAGEMENT OF M/S BECO  
ENGINEERING COMPANY LTD., BALLABGARH

#### AWARD

By order No. ID/FD/584-A-71/304, dated 5th January, 1972 of the Governor of Haryana, the following dispute between the management of M/s. Beco Engineering Company Ltd., Ballabgarh and its workman Shri Ganga Sharan, was referred to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ganga Sharan was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues:—

- (1) Whether the workman raised a demand in respect of the disputes referred to this Court on the management and the later rejected it before the matter was taken up by the Conciliation Officer?
- (2) Whether the workman abandoned the services as a result of his continued absence?
- (3) Whether the termination of services of Shri Ganga Sharan was justified and in order? If not, to what relief is he entitled?

The reference was fixed for recording evidence of the management for today when the parties arrived at a settlement and made their statements in accordance with the terms thereof. Shri Ganga Sharan, workman made a statement that he had received a sum of Rs 1,500 in cash from the management in court in consideration of his giving up all his claims including that of his reinstatement in service arising out of the demand raised by him on the management leading to this reference. Shri S. S. Chawla, Personnel Manager and Shri K. P. Aggarwal, authorised representative for the management admitted the statement of Shri Ganga Sharan to be correct,—*vide* a joint statement made by them.

It would, thus, appear that the controversy between the parties as referred to this Court had been amicably settled and that there is now no dispute between the parties requiring adjudication.

I hold, accordingly and answer the reference while returning the award in these terms.

Dated 14th July, 1976.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

—2—  
No. 1672, dated 19th July, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.